

United States District Court

DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

v.

ISHMAEL RODRIQUEZ

(Name and Address of Defendant)

REDACTED

Criminal Complaint

05-150m-MPT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about November 22, 2005, in New Castle County, in the District of Delaware defendant, Ishmael Rodriguez (Track Statutory

Language of Offense)

did knowingly possess a firearm and ammunition after having convicted in any court by a crime punishable by imprisonment for more than one year

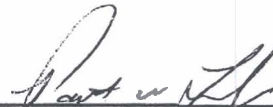
in violation of Title 18 United States Code, Section(s) 922(g)(1)

I further state that I am a(n) Special Agent, ATF and that this complaint is based on the following facts:

Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: YES



Signature of Complainant

Patrick Fyock

Special Agent

Bureau of Alcohol Tobacco Firearms and Explosives

FILED

DEC 28 2005

U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

Sworn to before me and subscribed in my presence,

December 28, 2005

Date


at Wilmington, DE

City and State

able Joseph J. Farnan, Jr.

U.S. District Judge

Name & Title of Judicial Officer



Signature of Judicial Officer

**AFFIDAVIT**

I, Special Agent Patrick W. Fyock, being duly sworn, depose and say:

1. I am a Special Agent of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (hereafter ATF) assigned to the Wilmington, DE Field Office.
2. ATF is a Federal Law Enforcement agency charged with the enforcement of federal statutes relating to firearms and explosives.
3. I have served as a Special Agent with ATF since July 2001. Prior to being hired by ATF, I was employed as a Police Officer for seven years with the Nationally Accredited New Castle County Police Department in Delaware. I received specialized training from the ATF Academy in Glynn Co. Georgia, in investigation of Federal Firearms violations. I have participated in the investigation and prosecution of numerous firearms violators.
4. The information contained in this affidavit is based upon but not limited to:
  - a. the general experience in firearms and narcotics investigations of law enforcement officers who have participated in this investigation;
  - b. my own observations and the information and observations of other law enforcement authorities involved in this investigation;
  - c. records of federal and local government agencies;
  - d. the execution of a State of Delaware Arrest Warrant; and
  - e. seizures of firearms and ammunition;
5. Based on the following paragraphs, your affiant states that the facts and circumstances recited herein demonstrate that there is probable cause to arrest Ishmael Rodriquez for violations of federal law; in particular, 18 U.S.C. § 922(g)(1), possession of a firearm and ammunition by person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

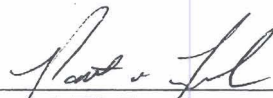
**Probable Cause**

6. On November 22, 2005, Officer Muniz was on patrol in the city of Wilmington, State of Delaware, when he observed a large group loitering in front of the J & R Supermarket, located at 1516 W. 4<sup>th</sup> Street. Officer Muniz exited his marked patrol vehicle and began to walk towards store.
7. Officer Muniz observed a subject standing by the door of the store attempting to look down the street in an effort to observe Officer Muniz' actions. When Officer Muniz approached the entrance, the subject who was standing at the door ran inside the store. As Officer Muniz entered the store, he observed this same subject running to the rear of the store. Officer Muniz could observe the subject, later identified as Ishmael Rodriquez, DOB [REDACTED] 1985, in the store's overhead

mirror. This subject was attempting to hide an unknown object on the shelf at the south end of the store wall. Rodriguez exited the aisle and was contacted by Officer Muniz. Because of the Rodriguez' actions, Officer Muniz ordered Rodriguez to place his hands on the wall. As Officer Muniz attempted to pat down Rodriguez, Rodriguez tensed his arms and would not comply with the officer's commands. Rodriguez was taken to the ground and handcuffed.

8. Officer Muniz responded to the aisle where he had observed Rodriguez hiding an item and observed food items in disarray on the shelf. Under some food items was a Silver .357 Rossi revolver, serial number F443169. During the search of Rodriguez, officers located 2 R-P .357 caliber rounds of ammunition, 3 PMC .38 caliber rounds of ammunition and 1 Federal .38 caliber round of ammunition. It should be noted that .38 caliber rounds of ammunition can be fired from a .357 revolver.
9. On or about May 18, 2005 Ishmael Rodriguez pleaded guilty to possession with intent to deliver a narcotic schedule II controlled substance, in the Superior Court of Delaware. This crime is a felony in the state of Delaware and is punishable by imprisonment for a term exceeding one year.
10. Your affiant believes, based on his training and experience, that the firearm described above was manufactured outside the State of Delaware.

I swear under oath that the above is true and correct to the best of my knowledge and belief.



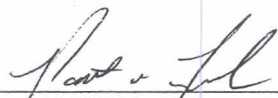
Patrick W. Fyock  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms  
and Explosives



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Patrick W. Fyock  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms  
and Explosives

